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July 30, 2008

Via Facsimile and ECF
Fax No.: 1-914-390-4152
Hon. Colleen McMahon
United States District Court
Southern District of New York
533 US Courthouse
300 Quarropas
White Plains, NY 10601

Re: Palmero v. Metro-North Commuter Railroad
Civ No.: 07-11414(CM)(FM)

Dear Judge McMahon:

Plaintiff respectfully requests extension of discovery and postponement of mediation in the above-referenced matter, with consent of defense counsel. The Plaintiff is seeking an orthopedic surgeon compatible with his insurance coverage to perform surgical repair of the knee injured in the accident which is the subject of this litigation.

At this time, we are unable to ascertain the applicable dates which would enable us to comply with the Court's rules concerning an amended Scheduling Order, and therefore, respectfully request that upon Plaintiff obtaining the surgery date, the parties be allowed to submit an amended Scheduling Order for purposes of completing discovery and mediation.

Please be advised that a portion of the necessary depositions have previously been held. Plaintiff will need to be re-deposed following the surgery. Additional defendant representatives' depositions will also need to be held.

Respectfully yours,

LAW OFFICES OF KANTOR & GODWIN, PLLC

/S/ Thomas P. Hurley

Thomas P. Hurley

cc: Jose Rios, Esq. (*via facsimile and mail*)
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